

SIDNEY A. MAJALYA (CA Bar No. 205047)
JACKLIN CHOU LEM (CA Bar No. 255293)
MANISH KUMAR (CA Bar No. 269493)
Antitrust Division
U.S. Department of Justice
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
Telephone: (415) 436-6660
Fax: (415) 436-6687
sidney.majalya@usdoj.gov

Attorneys for the United States

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

v.

SIK HUR aka DANIEL HUR,
Defendant.

CR 11 0913

No. CR

INFORMATION

VIOLATIONS:

15 U.S.C. § 1 - Conspiracy in Restraint of
Trade (Counts One - Six);

San Francisco Venue

RS

The United States of America, acting through its attorneys, charges:
SIK HUR aka DANIEL HUR ("defendant"),
the defendant as follows:

1. During the time periods relevant to this Information, the defendant was an employee of Hitachi-LG Data Storage, Inc. ("HLDS") and had responsibilities relating to optical disk drive ("ODD") sales. Between November 2005 and May 2006, defendant was an Account Manager with responsibility for the Hewlett-Packard Company ("HP") account; between May 2006 and December 2006, he was an HP account Team Member; between January 2007 and December 2007, he was the HP account Team Leader; between January 2008 and June 2009, he was an the Account Leader in charge of the HP account; and from June 2009 to August 2009, he

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1 was the Taipei, Taiwan office General Manager.

2 2. ODDs are devices that use laser light or electromagnetic waves to read and/or
3 write data. ODDs typically both read and write data, but some are only readers. There are
4 several types of ODDs, including the following: CD-ROM, CD-RW, DVD-ROM, DVD-RW,
5 and Combo drives. Optical disk drives can be manufactured according to varying specifications.
6 For example, ODDs are available in different heights (*e.g.*, half-height and slim), and use
7 different types of interfaces to connect to a computer's motherboard (*e.g.*, Parallel Advanced
8 Technology Attachment (PATA) and Serial Advanced Technology Attachment (SATA)).
9 HLDS and other ODD sellers typically sell their products to computer makers such as HP.

10 3. Whenever in this Information reference is made to any act, deed, or transaction of
11 any corporation, the allegation means that the corporation engaged in the act, deed, or transaction
12 by or through its officers, directors, employees, agents, or other representatives while they were
13 actively engaged in the management, direction, control, or transaction of its business or affairs.

14 4. During the time periods relevant to Counts One through Six:

15 (a) HP hosted ODD procurement events in which the defendant and co-
16 conspirators participated. HP was a major manufacturer of computer hardware, software,
17 and services marketed and sold to business enterprises and individual consumers. HP
18 purchased ODDs that were incorporated into technology products sold by HP to
19 businesses and individuals.

20 (b) HP's ODD procurement events were competitive bidding events in which
21 participants would be awarded varying amounts of ODD supply depending on where
22 participants' pricing ranked in any particular event.

23 COUNT ONE: 15 U.S.C. § 1 (Bid Rigging)

24 NOVEMBER 2005 HP PROCUREMENT EVENT

25 5. Paragraphs 1 through 4 of this Information are repeated, realleged, and
26 incorporated into this Count as if fully set forth herein.

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1 6. From approximately November 2005 to approximately April 2006, the defendant
2 and co-conspirators entered into and engaged in a combination and conspiracy to suppress and
3 restrain competition for a November 2005 ODD procurement event held by HP for the purchase
4 of CD-ROM, CD-RW, DVD-ROM, and Combo drives, in unreasonable restraint of interstate
5 trade and commerce, in violation of the Sherman Act, Title 15, United States Code, Section 1.

6 7. The charged combination and conspiracy consisted of an agreement,
7 understanding, and concert of action among the defendant and co-conspirators, the substantial
8 terms of which were: to predetermine the rank order in which the bidders would finish on HP's
9 November 2005 ODD procurement event for CD-ROM, CD-RW, DVD-ROM, and Combo
10 drives; to submit collusive, noncompetitive, and rigged bids for the procurement event; and to
11 provide HP with ODDs and receive payment from HP as a result of the collusive bidding.

12 8. The combination and conspiracy charged in this Count was carried out, in part, in
13 the Northern District of California.

14 MEANS AND METHODS OF THE CONSPIRACY

15 9. For the purpose of forming and carrying out the charged combination and
16 conspiracy, the defendant and co-conspirators did those things that they combined and conspired
17 to do, including, among other things:

18 (a) participating in meetings, discussions, and communications in the
19 United States or elsewhere to discuss bidding strategies and prices of ODDs;

20 (b) agreeing, during those meetings, discussions, and communications on
21 how participants would bid on ODDs;

22 (c) bidding on ODDs in accordance with the agreements reached; and

23 (d) exchanging information on sales, production, market share, capacity, and
24 pricing of ODDs for the purpose of monitoring and enforcing adherence to the
25 agreements and preparing for future conspiratorial discussions.

26 CO-CONSPIRATORS

27 10. Various corporations and individuals, not made defendants in this Count,
28 participated as co-conspirators in the offense charged in this Count and performed acts and made

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1 statements in furtherance of the offense.

2 INTERSTATE TRADE AND COMMERCE

3 11. During the time period relevant to this Count, defendant and co-conspirators sold
4 and distributed ODDs in a continuous and uninterrupted flow of interstate and foreign trade and
5 commerce to customers located in states or countries other than the states or countries from
6 which the defendant and co-conspirators sold ODDs.

7 12. The business activities of the defendant and co-conspirators that are the subject of
8 this Count were within the flow of, and substantially affected, interstate and foreign trade and
9 commerce.

10 COUNT ONE IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

11 COUNT TWO: 15 U.S.C. § 1 (Bid Rigging)

12 AUGUST 2006 HP PROCUREMENT EVENT

13 13. Paragraphs 1 through 4, 8, and 10 through 12 of this Information are repeated,
14 realleged, and incorporated into this Count as if fully set forth herein.

15 14. From approximately August 2006 to approximately December 2006, the
16 defendant and co-conspirators entered into and engaged in a combination and conspiracy to
17 suppress and restrain competition for an August 2006 ODD procurement event held by HP for
18 the purchase of half-height PATA and SATA DVD-ROM drives, in unreasonable restraint of
19 interstate trade and commerce, in violation of the Sherman Act, Title 15, United States Code,
20 Section 1.

21 15. The charged combination and conspiracy consisted of an agreement,
22 understanding, and concert of action among the defendant and co-conspirators, the substantial
23 terms of which were: to predetermine the rank order in which the bidders would finish on HP's
24 August 2006 ODD procurement event for half-height PATA and SATA DVD-ROM drives; to
25 submit collusive, noncompetitive, and rigged bids for the procurement event; and to provide HP
26 with ODDs and receive payment from HP as a result of the collusive bidding.

27 MEANS AND METHODS OF THE CONSPIRACY

28 16. For the purpose of forming and carrying out the charged combination and

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1 conspiracy, the defendant and co-conspirators did those things that they combined and conspired
2 to do, including, among other things:

- 3 (a) participating in meetings, discussions, and communications in the
4 United States or elsewhere to discuss bidding strategies and prices of ODDs;
5 (b) agreeing, during those meetings, discussions, and communications on
6 how participants would bid on ODDs;
7 (c) bidding on ODDs in accordance with the agreements reached;
8 (d) exchanging information on sales, production, market share, capacity, and
9 pricing of ODDs for the purpose of monitoring and enforcing adherence to the
10 agreements and preparing for future conspiratorial discussions; and
11 (e) authorizing, ordering, and consenting to the participation of subordinate
12 employees in the conspiracy.

13 COUNT TWO IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

14 COUNT THREE: 15 U.S.C. § 1 (Bid Rigging)

15 AUGUST 2007 HP PROCUREMENT EVENT

16 17. Paragraphs 1 through 4, 8, 10 through 12, and 16 of this Information are repeated,
17 realleged, and incorporated into this Count as if fully set forth herein.

18 18. From approximately August 2007 to approximately December 2007, the
19 defendant and co-conspirators entered into and engaged in a combination and conspiracy to
20 suppress and restrain competition for an August 2007 ODD procurement event held by HP for
21 the purchase of Lightscribe DVD-RW drives, in unreasonable restraint of interstate trade and
22 commerce, in violation of the Sherman Act, Title 15, United States Code, Section 1.

23 19. The charged combination and conspiracy consisted of an agreement,
24 understanding, and concert of action among the defendant and co-conspirators, the substantial
25 terms of which were: to predetermine the rank order in which the bidders would finish on HP's
26 August 2007 ODD procurement event for Lightscribe DVD-RW drives; to submit collusive,
27 noncompetitive, and rigged bids for the procurement event; and to provide HP with ODDs and
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1 receive payment from HP as a result of the collusive bidding.

2 COUNT THREE IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

3 COUNT FOUR: 15 U.S.C. § 1 (Bid Rigging)

4 MAY, AUGUST, AND NOVEMBER 2008 AND
5 FEBRUARY 2009 HP PROCUREMENT EVENTS

6 20. Paragraphs 1 through 4, 8, 10 through 12, and 16 of this Information are repeated,
7 realleged, and incorporated into this Count as if fully set forth herein.

8 21. From approximately May 2008 to approximately June 2009, the defendant and
9 co-conspirators entered into and engaged in a combination and conspiracy to suppress and
10 restrain competition for ODD procurement events held by HP for the purchase of half-height
11 SATA DVD-RW drives in May 2008, August 2008, November 2008, and February 2009, in
12 unreasonable restraint of interstate trade and commerce, in violation of the Sherman Act, Title
13 15, United States Code, Section 1.

14 22. The charged combination and conspiracy consisted of an agreement,
15 understanding, and concert of action among the defendant and co-conspirators, the substantial
16 terms of which were: to predetermine the rank order in which the bidders would finish on HP's
17 May 2008, August 2008, November 2008, and February 2009 ODD procurement events for half-
18 height SATA DVD-RW drives; to submit collusive, noncompetitive, and rigged bids for the
19 procurement events; and to provide HP with ODDs and receive payment from HP as a result of
20 the collusive bidding.

21 COUNT FOUR IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

22 COUNT FIVE: 15 U.S.C. § 1 (Bid Rigging)

23 JULY AND OCTOBER 2008 HP PROCUREMENT EVENTS

24 23. Paragraphs 1 through 4, 8, 10 through 12, and 16 of this Information are repeated,
25 realleged, and incorporated into this Count as if fully set forth herein.

26 24. From approximately July 2008 to approximately March 2009, the defendant and
27 co-conspirators entered into and engaged in a combination and conspiracy to suppress and
28 restrain competition for ODD procurement events held by HP for the purchase of 12.7mm SATA

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1 DVD-RW drives in July and October 2008, in unreasonable restraint of interstate trade and
2 commerce, in violation of the Sherman Act, Title 15, United States Code, Section 1.

3 25. The charged combination and conspiracy consisted of an agreement,
4 understanding, and concert of action among the defendant and co-conspirators, the substantial
5 terms of which were: to predetermine the rank order in which the bidders would finish on HP's
6 July and October 2008 ODD procurement events for 12.7mm SATA DVD-RW drives; to submit
7 collusive, noncompetitive, and rigged bids for the procurement events; and to provide HP with
8 ODDs and receive payment from HP as a result of the collusive bidding.

9 COUNT FIVE IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

10 COUNT SIX: 15 U.S.C. § 1 (Bid Rigging)

11 OCTOBER 2008 SUPPLEMENTAL HP PROCUREMENT EVENT

12 26. Paragraphs 1 through 4, 8, 10 through 12, and 16 of this Information are repeated,
13 realleged, and incorporated into this Count as if fully set forth herein.

14 27. From approximately October 2008 to approximately March 2009, the defendant
15 and co-conspirators entered into and engaged in a combination and conspiracy to suppress and
16 restrain competition for a supplemental October 2008 ODD procurement event held by HP for
17 the purchase of 12.7mm SATA DVD-RW drives, in unreasonable restraint of interstate trade and
18 commerce, in violation of the Sherman Act, Title 15, United States Code, Section 1.

19 28. The charged combination and conspiracy consisted of an agreement,
20 understanding, and concert of action among the defendant and co-conspirators, the substantial
21 terms of which were: to predetermine the rank order in which the bidders would finish on HP's
22 October 2008 ODD procurement event for 12.7mm SATA DVD-RW drives; to submit collusive,
23 noncompetitive, and rigged bids for the procurement event; and to provide HP with ODDs and

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1 receive payment from HP as a result of the collusive bidding.


2 COUNT SIX IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

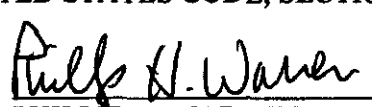
3
4 
5 SHARIS A. TOZEN
Acting Assistant Attorney General

6
7 
8 SCOTT D. HAMMOND
Deputy Assistant Attorney General


9
10 
11 JOHN TERZAKEN
Director of Criminal Enforcement

12
13 U.S. Department of Justice
Antitrust Division

14 
15 MELINDA L. HAAG
16 United States Attorney
17 Northern District of California


PHILLIP H. WARREN
Chief, San Francisco Office

18
19 
20 PETER K. HUSTON
Assistant Chief, San Francisco Office

21 
22 SIDNEY A. MAJALYA
23 JACKLIN CHOU LEM
24 MANISH KUMAR
25 Trial Attorneys, San Francisco Office

26
27
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